

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
**NICHOLAS BERNHARD, RALPH NATALE,
KIRK CONAWAY, and ROY KOHN as Trustees
of THE HEALTH FUND 917 and the LOCAL 868
IBT PENSION FUND; HEALTH FUND 917
and the LOCAL 868 IBT PENSION FUND,**

10 CV 2736 (SJF)

**AFFIRMATION OF
ADAM C. WEISS, ESQ.**

Plaintiffs,

v.

**THE MAJOR AUTOMOTIVE COMPANIES, INC., d/b/a
MAJOR CHEVROLET, INC., and MAJOR DODGE, INC.;
HAROLD BENDEL; MAJOR CHEVROLET INC; and
MAJOR DODGE, INC. and HAROLD BENDEL**

Defendants.
-----X

ADAM C. WEISS, ESQ., an attorney with Milman Labuda Law Group, PLLC, counsel
for Defendants affirms and says:

1. Attached hereto as Exhibit "A" are samples of cancelled checks submitted to the
Funds in the audit period.

WHEREFORE, the affirmant requests that Defendants' motion for summary judgment
be granted in all respects, and that an order be entered dismissing the summons and complaint
against Defendants with prejudice, and for such other and further relief as may be just, proper,
and equitable.

Dated: Lake Success, New York
September 2, 2011



ADAM C. WEISS

EXHIBIT A

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



43-40 NORTHERN BLVD.
LONG ISLAND CITY, N.Y. 11101

1-108
210

CHECK# 128382
128382

PAY **TWO THOUSAND THREE HUNDRED SEVENTY FIVE DOLLARS AND 00/100**

TO THE
ORDER
OF

LOCAL 868 PENSION FUND
22 N. TYSON AVENUE-1ST FLR
FLORAL PARK NY 11010



DATE

AMOUNT

02/24/05

\$2,375.00

MAJOR CHEVROLET, Inc.

MP

MP

⑈128382⑈ ⑆021001088⑆ 032738889⑈

⑈0000237500⑈

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



43-40 NORTHERN BLVD.
LONG ISLAND CITY, N.Y. 11101

1-108
210

CHECK# 128383
128383

PAY **THIRTEEN THOUSAND THREE HUNDRED SIXTY FIVE DOLLARS AND 00/100**

TO THE
ORDER
OF

HEALTH FUND 917
22 N. TYSON AVENUE-1ST FLR
FLORAL PARK NY 11001



DATE

AMOUNT

02/24/05

\$13,365.00

MAJOR CHEVROLET, Inc.

MP

MP

⑈128383⑈ ⑆021001088⑆ 032738889⑈

⑈00001336500⑈

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



43-40 NORTHERN BLVD.
LONG ISLAND CITY, N.Y. 11101

1-108
210

CHECK# 128388
128388

PAY **TWO THOUSAND FOUR HUNDRED SIXTY FIVE DOLLARS AND 00/100**

TO THE
ORDER
OF

LOCAL 868 PENSION FUND
22 N. TYSON AVENUE-1ST FLR
FLORAL PARK NY 11010



DATE

AMOUNT

02/24/05

\$2,465.00

MAJOR CHEVROLET, Inc.

MP

MP

⑈128388⑈ ⑆021001088⑆ 032738889⑈

⑈0000246500⑈

0212-0400-5 SRT 01
03072005
FHENT0638 TRC-0638 PK-04 0639 >026003379<
ABNY
445065950 004777434 8353 8357 24
445065950 004777434 8353 8357 24

FOR DEPOSIT ONLY
LOCAL 868 PENSION FUND
ACCT # 04-777434

1001088
BANK USA, N.A.
07/05

00560954

0212-0400-5 SRT 01
03072005
FHENT0638 TRC-0638 PK-04 0639 >026003379<
ABNY
445065941 004631838 8353 8357 24
445065941 004631838 8353 8357 24

FOR DEPOSIT ONLY
LOCAL 868 PENSION FUND
ACCT # 04-777434

1001088
BANK USA, N.A.
07/05

00560949

0212-0400-5 SRT 01
03072005
FHENT0638 TRC-0638 PK-04 0639 >026003379<
ABNY
445065941 004777434 8353 8357 24
445065941 004777434 8353 8357 24

FOR DEPOSIT ONLY
LOCAL 868 PENSION FUND
ACCT # 04-777434

1001088
BANK USA, N.A.
07/05

00560953



43-40 NORTHERN BLVD.
LONG ISLAND CITY, N.Y. 11101

1-108
210

CHECK# 128389
128389

AY **EIGHT THOUSAND SEVEN HUNDRED SEVENTY TWO DOLLARS AND 00/100**

DATE

AMOUNT

02/24/05

\$8,772.00

MAJOR CHEVROLET, Inc.

MP

MP

HEALTH FUND 917
22 N. TYSON AVENUE-1ST FLR
FLORAL PARK NY 11001

HSBC
HSBC Bank USA

⑈ 128389 ⑈ ⑆ 021001088 ⑆ 032738889 ⑈

⑈ 0000877200 ⑈



43-40 NORTHERN BLVD.
LONG ISLAND CITY, N.Y. 11101

1-108
210

CHECK# 128391
128391

AY **TWO THOUSAND FORTY TWO DOLLARS AND 00/100**

DATE

AMOUNT

02/24/05

\$2,042.00

MAJOR CHEVROLET, Inc.

MP

MP

TEAMSTERS LOCAL 917
24 N. TYSON AVENUE-2ND FLR
FLORAL PARK NY 11001

HSBC
HSBC Bank USA

⑈ 128391 ⑈ ⑆ 021001088 ⑆ 032738889 ⑈

⑈ 0000204200 ⑈



43-40 NORTHERN BLVD.
LONG ISLAND CITY, N.Y. 11101

1-108
210

CHECK# 128384
128384

PAY **NINE HUNDRED THIRTY DOLLARS AND 00/100**

DATE

AMOUNT

02/24/05

\$930.00

MAJOR CHEVROLET, Inc.

MP

MP

TEAMSTERS LOCAL 917
24 N. TYSON AVENUE-2ND FLR
FLORAL PARK NY 11001

HSBC
HSBC Bank USA

⑈ 128384 ⑈ ⑆ 021001088 ⑆ 032738889 ⑈

⑈ 0000093000 ⑈

0212-0400-5 SRT 01
83072005
FHI NY-0212-0639 >026003379<
ENT-0638 TRC-0638 PK-04 ABNY
445065940-03-04-05
445065940-04-0631838 8353 8357 24

FOR DEPOSIT ONLY
AMALGAMATED BANK OF NEW YORK
HEALTH PLAN 917
ACCT# 0400308

001088
BANK USA, N.A.
07/05

00560948

0212-0400-5 SRT 01
83072005
FHI NY-0212-0639 >026003379<
ENT-0638 TRC-0638 PK-04 ABNY
445065928-03-04-05
445065928-04-1030592 8353 8357 24

PAY TO THE ORDER OF
AMALGAMATED BANK OF NY
LOCAL 917 AN AFFILIATE OF
THE I.B.T.
A/C #01030592

01088
K USA, N.A.
05

0560947

0212-0400-5 SRT 01
83072005
FHI NY-0212-0639 >026003379<
ENT-0638 TRC-0638 PK-04 ABNY
445065928-03-04-05
445065928-04-1030592 8353 8357 24

PAY TO THE ORDER OF
AMALGAMATED BANK OF NY
LOCAL 917 AN AFFILIATE OF
THE I.B.T.
A/C #01030592

001088
BANK USA, N.A.
07/05

00560945

THIS CHECK IS VOID WITHOUT A COLORED BORDER AND BACKGROUND PLUS A KNIGHT & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW



43-40 NORTHERN BOULEVARD
LONG ISLAND CITY, NY 11101
PHONE: (718) 937-3700

HSBC MAIN CHECKING
WOODSIDE, NY 11377
1-108/210

DATE	CHECK
7/23/2007	164531

AMOUNT
\$2,300.00

Pay Two Thousand, Three Hundred Dollars and no/Cents

TO
THE
ORDER
OF
LOCAL 868 PENSION FUND
22 N. TYSON AVENUE-1ST FLR
FLORAL PARK, NY 11010

⑈000164531⑈ ⑆021001088⑆032738889⑈

⑈0000230000⑈

SIGNATURE AREA CONTAINS A KNIGHT & FINGERPRINT CHECK WORDING
U.S. PATENTS 5538290, 5575508, 5641183, 5765353, 5984364, 6030000

⑈0164531⑈

⑆021001088⑆

⑈032738889⑈

⑈0000230000⑈

THIS CHECK IS VOID WITHOUT A COLORED BORDER AND BACKGROUND PLUS A KNIGHT & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW



43-40 NORTHERN BOULEVARD
LONG ISLAND CITY, NY 11101
PHONE: (718) 937-3700

HSBC MAIN CHECKING
WOODSIDE, NY 11377
1-108/210

DATE	CHECK
7/23/2007	164536

AMOUNT
\$895.00

Pay Eight Hundred Ninety-Five Dollars and no/Cents

TO
THE
ORDER
OF
TEAMSTERS LOCAL 917
24 N. TYSON AVENUE
2ND FLR
FLORAL PARK, NY 11001-0000

⑈000164536⑈ ⑆021001088⑆032738889⑈

⑈0000089500⑈


SIGNATURE AREA CONTAINS A KNIGHT & FINGERPRINT CHECK WORDING
U.S. PATENTS 5538290, 5575508, 5641183, 5765353, 5984364, 6030000

THIS CHECK ALSO CONTAINS THE FOLLOWING SECURITY FEATURES

LE- NY-0212-0639
00000000 07-31-07
004777434

[illegible][illegible]

THIS CHECK IS VOID WITHOUT A COLORED BORDER AND BACKGROUND PLUS A KNIGHT & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

Major  CHEVROLET

43-40 NORTHERN BOULEVARD
LONG ISLAND CITY, NY 11101
PHONE: (718) 937-3700

HSBC MAIN CHECKING
WOODSIDE, NY 11377
1-108/210

DATE	CHECK
7/23/2007	164530

AMOUNT
\$ 11,376.00

Eleven Thousand, Three Hundred Seventy-Six Dollars and no/Cents

TO THE ORDER OF HEALTH FUND 917
22 N. TYSON AVENUE-1ST FLR
FLORAL PARK, NY 11001

SIGNATURE AREA CONTAINS A KNIGHT & FINGERPRINT CHECK WORDING
U.S. PATENTS 5530290, 5575508, 5641183, 5785353, 5984364, 6030000

⑈000164530⑈ ⑆021001088⑆032738889⑈

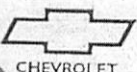
⑈0001137600⑈

⑈00164530⑈ ⑆02100108⑆

⑈032738889⑈

⑈0001137600⑈

THIS CHECK IS VOID WITHOUT A COLORED BORDER AND BACKGROUND PLUS A KNIGHT & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

Major  CHEVROLET

43-40 NORTHERN BOULEVARD
LONG ISLAND CITY, NY 11101
PHONE: (718) 937-3700

HSBC MAIN CHECKING
WOODSIDE, NY 11377
1-108/210

DATE	CHECK
7/23/2007	164535

AMOUNT
\$ 5,103.00

ay Five Thousand, One Hundred Three Dollars and no/Cents

TO THE ORDER OF TEAMSTERS LOCAL 917
24 N. TYSON AVENUE
2ND FLR
FLORAL PARK, NY 11001-0000

SIGNATURE AREA CONTAINS A KNIGHT & FINGERPRINT CHECK WORDING
U.S. PATENTS 5530290, 5575508, 5641183, 5785353, 5984364, 6030000

⑈000164535⑈ ⑆021001088⑆032738889⑈

⑈0000510300⑈

⑈0164535⑈ ⑆02100108⑆

⑈032738889⑈

⑈0000510300⑈

211-28006

[illegible]

THIS CHECK ALSO CONTAINS A FOLLOW-UP SECURITY FEATURES WHICH ARE COVERED UNDER PATENT APPLICATIONS 553,940, 567,558, 567,110, 567,111, 567,112, 567,113, 567,114, 567,115, 567,116, 567,117, 567,118, 567,119, 567,120, 567,121, 567,122, 567,123, 567,124, 567,125, 567,126, 567,127, 567,128, 567,129, 567,130, 567,131, 567,132, 567,133, 567,134, 567,135, 567,136, 567,137, 567,138, 567,139, 567,140, 567,141, 567,142, 567,143, 567,144, 567,145, 567,146, 567,147, 567,148, 567,149, 567,150, 567,151, 567,152, 567,153, 567,154, 567,155, 567,156, 567,157, 567,158, 567,159, 567,160, 567,161, 567,162, 567,163, 567,164, 567,165, 567,166, 567,167, 567,168, 567,169, 567,170, 567,171, 567,172, 567,173, 567,174, 567,175, 567,176, 567,177, 567,178, 567,179, 567,180, 567,181, 567,182, 567,183, 567,184, 567,185, 567,186, 567,187, 567,188, 567,189, 567,190, 567,191, 567,192, 567,193, 567,194, 567,195, 567,196, 567,197, 567,198, 567,199, 567,200, 567,201, 567,202, 567,203, 567,204, 567,205, 567,206, 567,207, 567,208, 567,209, 567,210, 567,211, 567,212, 567,213, 567,214, 567,215, 567,216, 567,217, 567,218, 567,219, 567,220, 567,221, 567,222, 567,223, 567,224, 567,225, 567,226, 567,227, 567,228, 567,229, 567,230, 567,231, 567,232, 567,233, 567,234, 567,235, 567,236, 567,237, 567,238, 567,239, 567,240, 567,241, 567,242, 567,243, 567,244, 567,245, 567,246, 567,247, 567,248, 567,249, 567,250, 567,251, 567,252, 567,253, 567,254, 567,255, 567,256, 567,257, 567,258, 567,259, 567,260, 567,261, 567,262, 567,263, 567,264, 567,265, 567,266, 567,267, 567,268, 567,269, 567,270, 567,271, 567,272, 567,273, 567,274, 567,275, 567,276, 567,277, 567,278, 567,279, 567,280, 567,281, 567,282, 567,283, 567,284, 567,285, 567,286, 567,287, 567,288, 567,289, 567,290, 567,291, 567,292, 567,293, 567,294, 567,295, 567,296, 567,297, 567,298, 567,299, 567,300, 567,301, 567,302, 567,303, 567,304, 567,305, 567,306, 567,307, 567,308, 567,309, 567,310, 567,311, 567,312, 567,313, 567,314, 567,315, 567,316, 567,317, 567,318, 567,319, 567,320, 567,321, 567,322, 567,323, 567,324, 567,325, 567,326, 567,327, 567,328, 567,329, 567,330, 567,331, 567,332, 567,333, 567,334, 567,335, 567,336, 567,337, 567,338, 567,339, 567,340, 567,341, 567,342, 567,343, 567,344, 567,345, 567,346, 567,347, 567,348, 567,349, 567,350, 567,351, 567,352, 567,353, 567,354, 567,355, 567,356, 567,357, 567,358, 567,359, 567,360, 567,361, 567,362, 567,363, 567,364, 567,365, 567,366, 567,367, 567,368, 567,369, 567,370, 567,371, 567,372, 567,373, 567,374, 567,375, 567,376, 567,377, 567,378, 567,379, 567,380, 567,381, 567,382, 567,383, 567,384, 567,385, 567,386, 567,387, 567,388, 567,389, 567,390, 567,391, 567,392, 567,393, 567,394, 567,395, 567,396, 567,397, 567,398, 567,399, 567,400, 567,401, 567,402, 567,403, 567,404, 567,405, 567,406, 567,407, 567,408, 567,409, 567,410, 567,411, 567,412, 567,413, 567,414, 567,415, 567,416, 567,417, 567,418, 567,419, 567,420, 567,421, 567,422, 567,423, 567,424, 567,425, 567,426, 567,427, 567,428, 567,429, 567,430, 567,431, 567,432, 567,433, 567,434, 567,435, 567,436, 567,437, 567,438, 567,439, 567,440, 567,441, 567,442, 567,443, 567,444, 567,445, 567,446, 567,447, 567,448, 567,449, 567,450, 567,451, 567,452, 567,453, 567,454, 567,455, 567,456, 567,457, 567,458, 567,459, 567,460, 567,461, 567,462, 567,463, 567,464, 567,465, 567,466, 567,467, 567,468, 567,469, 567,470, 567,471, 567,472, 567,473, 567,474, 567,475, 567,476, 567,477, 567,478, 567,479, 567,480, 567,481, 567,482, 567,483, 567,484, 567,485, 567,486, 567,487, 567,488, 567,489, 567,490, 567,491, 567,492, 567,493, 567,494, 567,495, 567,496, 567,497, 567,498, 567,499, 567,500, 567,501, 567,502, 567,503, 567,504, 567,505, 567,506, 567,507, 567,508, 567,509, 567,510, 567,511, 567,512, 567,513, 567,514, 567,515, 567,516, 567,517, 567,518, 567,519, 567,520, 567,521, 567,522, 567,523, 567,524, 567,525, 567,526, 567,527, 567,528, 567,529, 567,530, 567,531, 567,532, 567,533, 567,534, 567,535, 567,536, 567,537, 567,538, 567,539, 567,540, 567,541, 567,542, 567,543, 567,544, 567,545, 567,546, 567,547, 567,548, 567,549, 567,550, 567,551, 567,552, 567,553, 567,554, 567,555, 567,556, 567,557, 567,558, 567,559, 567,5

[illegible][illegible]

21-80056

44-38861-487

THE FOLLOWING SECURITY FEATURES
THIS CHECK ALSO CONTAINS
which are covered under
575553 575554 575555 575556 575557 575558 575559 575560 575561 575562 575563 575564 575565 575566 575567 575568 575569 575570 575571 575572 575573 575574 575575 575576 575577 575578 575579 575580 575581 575582 575583 575584 575585 575586 575587 575588 575589 575590 575591 575592 575593 575594 575595 575596 575597 575598 575599 575600 575601 575602 575603 575604 575605 575606 575607 575608 575609 575610 575611 575612 575613 575614 575615 575616 575617 575618 575619 575620 575621 575622 575623 575624 575625 575626 575627 575628 575629 575630 575631 575632 575633 575634 575635 575636 575637 575638 575639 575640 575641 575642 575643 575644 575645 575646 575647 575648 575649 575650 575651 575652 575653 575654 575655 575656 575657 575658 575659 575660 575661 575662 575663 575664 575665 575666 575667 575668 575669 575670 575671 575672 575673 575674 575675 575676 575677 575678 575679 575680 575681 575682 575683 575684 575685 575686 575687 575688 575689 575690 575691 575692 575693 575694 575695 575696 575697 575698 575699 575700 575701 575702 575703 575704 575705 575706 575707 575708 575709 575710 575711 575712 575713 575714 575715 575716 575717 575718 575719 575720 575721 575722 575723 575724 575725 575726 575727 575728 575729 575730 575731 575732 575733 575734 575735 575736 575737 575738 575739 575740 575741 575742 575743 575744 575745 575746 575747 575748 575749 575750 575751 575752 575753 575754 575755 575756 575757 575758 575759 575760 575761 575762 575763 575764 575765 575766 575767 575768 575769 575770 575771 575772 575773 575774 575775 575776 575777 575778 575779 575780 575781 575782 575783 575784 575785 575786 575787 575788 575789 575790 575791 575792 575793 575794 575795 575796 575797 575798 575799 575800 575801 575802 575803 575804 575805 575806 575807 575808 575809 575810 575811 575812 575813 575814 575815 575816 575817 575818 575819 575820 575821 575822 575823 575824 575825 575826 575827 575828 575829 575830 575831 575832 575833 575834 575835 575836 575837 575838 575839 575840 575841 575842 575843 575844 575845 575846 575847 575848 575849 575850 575851 575852 575853 575854 575855 575856 575857 575858 575859 575860 575861 575862 575863 575864 575865 575866 575867 575868 575869 575870 575871 575872 575873 575874 575875 575876 575877 575878 575879 575880 575881 575882 575883 575884 575885 575886 575887 575888 575889 575890 575891 575892 575893 575894 575895 575896 575897 575898 575899 575900 575901 575902 575903 575904 575905 575906 575907 575908 575909 575910 575911 575912 575913 575914 575915 575916 575917 575918 575919 575920 575921 575922 575923 575924 575925 575926 575927 575928 575929 575930 575931 575932 575933 575934 575935 575936 575937 575938 575939 575940 575941 575942 575943 575944 575945 575946 575947 575948 575949 575950 575951 575952 575953 575954 575955 575956 575957 575958 575959 575960 575961 575962 575963 575964 575965 575966 575967 575968 575969 575970 575971 575972 575973 575974 575975 575976 575977 575978 575979 575980 575981 575982 575983 575984 575985 575986 575987 575988 575989 575990 575991 575992 575993 575994 575995 575996 575997 575998 575999 576000

[illegible]

THIS CHECK IS VOID WITHOUT A COLORED BORDER AND BACKGROUND PLUS A KNIGHT & FINGERPRINT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

major
CHEVROLET

43-40 NORTHERN BOULEVARD
LONG ISLAND CITY, NY 11101
PHONE: (718) 937-3700

Pay Seven Thousand, Two Hundred Twelve Dollars and no/Cents

TO THE ORDER OF
HEALTH FUND 917
22 N. TYSON AVENUE-1ST FLR
FLORAL PARK, NY 11001

SIGNATURE AREA CONTAINS A KNIGHT & FINGERPRINT CHECK WORDING
U.S. PATENTS 5,530,220; 5,575,508; 5,641,783; 5,733,353; 5,984,354; 6,030,000

DATE 7/23/2007 CHECK 164532

AMOUNT \$7,212.00

U.S. PATENTS 5,530,220; 5,575,508; 5,641,783; 5,733,353; 5,984,354; 6,030,000

⑈164532⑈

⑈021000108⑈

⑈032738889⑈

⑈0000721200⑈

[illegible]